	Application No.	Applicant(s)	
	10/754,712	MATSUZAWA ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Shamim Ahmed	1765	
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	plication. If not included will be mailed in due course. THIS	
1. $\boxtimes$ This communication is responsive to <u>6/1/06</u> .			
2. ☑ The allowed claim(s) is/are <u>19-22</u> .			
3.  Acknowledgment is made of a claim for foreign priority una)  All b)  Some* c)  None of the:  1.  Certified copies of the priority documents have  2.  Certified copies of the priority documents have  3.  Copies of the certified copies of the priority documents have  International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4.  A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give  5.  CORRECTED DRAWINGS ( as "replacement sheets") must  (a)  including changes required by the Notice of Draftspers  1)  hereto or 2)  to Paper No./Mail Date  (b)  including changes required by the attached Examiner's  Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the such sheet. Replacement sheet(s) should be labeled as such in the such sheet.	e been received. e been received in Application No. 09 cuments have been received in this is of this communication to file a reply of this application.  IENT of this application.  Itted. Note the attached EXAMINER' tes reason(s) why the oath or declarates to be submitted. Is on's Patent Drawing Review (PTO-1) Is Amendment / Comment or in the Comment or in the Comment or the drawing several process.	complying with the requirements  S AMENDMENT or NOTICE OF tion is deficient.  948) attached  office action of	
DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I	sit of BIOLOGICAL MATERIAL n	nust be submitted. Note the	
Attachment(s)	5  Nation of Informal D	atont Application (DTO 450)	
<ol> <li>Notice of References Cited (PTO-892)</li> <li>DNotice of Draftperson's Patent Drawing Review (PTO-948)</li> </ol>		atent Application (PTO-152)	
	Paper No./Mail Dat	6. ☐ Interview Summary (PTO-413), ☐ Paper No./Mail Date	
<ol> <li>Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date</li> </ol>	· –		
<ol> <li>Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	8. 🛛 Examiner's Stateme	ent of Reasons for Allowance	
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		Shamim Ahmed Primary Examiner Art Unit: 1765	

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## **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: Applicant's argument filed 6/1/06 is persuasive as such that the closest prior art Shimada et al (EP 963 846) fail to teach or suggest etching a passage-forming layer to form a space portion of the passage-forming layer after there is imparted etching selectivity to a region that will be a space portion of the passage-forming layer as the context of claim 19.

Shimada et al also fail to disclose imparting etching selectivity by doping boron, as set forth in claims 20-22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

- 2. The declaration under 37 CFR 1.132 filed 6/1/06 is sufficient to overcome the rejection of claims 19-21 based upon 35 USC 102(b) and 103(a) as to the point that Shimada et al (EP-963 846) fail to teach imparting etching selectivity to regions that will form the space portion as the context of claims 19 and 21.
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shamim Ahmed Primary Examiner Art Unit 1765

SA June 10, 2006